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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 JOSE SALAZAR CERVANTES, ) CASE NO. C08-1681-JLR  
09 )  
Petitioner, )  
10 )  
v. ) REPORT AND RECOMMENDATION  
11 )  
A. NEIL CLARK, Field Office Director, )  
U.S. Immigration and Customs Enforcement, )  
12 )  
Respondent. )  
13 \_\_\_\_\_ )

14 On November 18, 2008, petitioner Jose Salazar Cervantes, proceeding *pro se*, filed a  
15 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the  
16 U.S. Immigration and Customs Enforcement. (Dkt. 6). On January 28, 2009, however,  
17 respondent filed a Return to the habeas petition, indicating that petitioner was removed from the  
18 United States to Columbia on January 26, 2009, and that petitioner's habeas petition has become  
19 moot and should be dismissed. (Dkt. 10).

20 The Court agrees with respondent that petitioner's habeas petition has become moot and  
21 should be dismissed. For a federal court to have jurisdiction, "an actual controversy must exist  
22 at all stages of the litigation." *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173

01 (9th Cir. 2002). “When a controversy no longer exists, the case is moot.”*Id.* Because petitioner  
02 has been removed and is no longer detained by ICE, the Court finds that petitioner’s request for  
03 release from detention should be dismissed as moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345,  
04 346 (9th Cir. 1992) (holding that the District Court properly dismissed plaintiff’s claims that had  
05 become either moot or unripe). Accordingly, I recommend that this action be dismissed without  
06 prejudice. A proposed Order accompanies this Report and Recommendation.

07 DATED this 29th day of January, 2009.

08   
09 Mary Alice Theiler  
10 United States Magistrate Judge  
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